

**Hosted in collaboration by the SRST Water Resources
and Tribal EPA Departments**

Join us for

Community Meetings about Maher Feedlot's Environmental Impacts

May 20th, 7pm – 9pm

Grand River Casino

7903 US-12, Mobridge, SD 57601

May 21st, 7pm – 9pm

Prairie Knights Casino

7932 ND-24, Fort Yates, ND 58538

Meeting Highlights

- Information session with EPA Staff
- Working session on providing effective public comments
- Issues and possible impacts

The Maher feedlot, a large Concentrated Animal Feed Operation (CAFO), has applied for a Clean Water Act discharge permit. The EPA is reviewing the feedlot's impact on the environment and preparing an Environmental Assessment before making a decision.

<https://www.epa.gov/npdes-permits/clean-water-act-permit-application-maher-cattle-evaluation-environmental-impacts>

For more information, please contact the Standing Rock Sioux Tribe Water Resources Department

(701) 854-7214



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Clean Water Act Permit Application for Maher Cattle – Evaluation of Environmental Impacts

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Background

The Maher Cattle (Maher) feedlot operation is a maximum capacity of 13,400 cattle located on the Standing Rock Reservation near Timber Lake, South Dakota and approximately two miles north of the Cheyenne River Reservation. The facility was constructed in August 2019 and has been in operation since January 2020.

On July 14, 2022, representatives of the EPA conducted an inspection of the Maher facility and observed evidence of unauthorized discharges of wastewater to High Bank Creek. The EPA and Maher entered into an Administrative Compliance Order on Consent <[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/filings/1c30c364750a001585258b18003c7a05/\\$file/cwa-08-2024-0005%20maher%20cattle%20aoc.pdf](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/filings/1c30c364750a001585258b18003c7a05/$file/cwa-08-2024-0005%20maher%20cattle%20aoc.pdf)> on May 7, 2024, to bring the facility into compliance with the Clean Water Act (CWA).

On September 26, 2023, Maher submitted an application to the EPA seeking a CWA National Pollutant Discharge Elimination System (NPDES) permit to discharge from the facility. In response to a request from the EPA for more information, Maher submitted revised applications on February 27, 2024 and February 17, 2025. This discharge would comply with the EPA's CWA concentrated animal feeding operation (CAFO) NPDES regulations <<https://epa.gov/npdes/animal-feeding-operations-mpdes-cafo-permitting>> at 40 C.F.R. §412. The EPA determined that the Maher facility is a "new source" under the NPDES regulations. The issuance of an NPDES permit to a new source is subject to environmental review pursuant to the National Environmental Policy Act (NEPA). As a result, the EPA is preparing a draft Environmental Assessment for Maher to inform the EPA's decision on the permit.

The EPA offered consultation to the Standing Rock Sioux Tribe on April 22, 2024. The initial consultation meeting was held with Tribal government on August 13, 2024. The EPA continues to coordinate with the Tribe on this action.

For a simplified summary of the information on this page and more background about animal feeding operations, please review this flyer:  Maher Cattle – Clean Water Act Permit Application and Evaluation of Impacts Flyer (pdf)

<<https://www.epa.gov/system/files/documents/2025-04/maher-cafo-flyer-for-website.pdf>> (152.53 KB, 04-30-2025) .

Community Engagement

Why: As a result of the Government-to-Government Tribal consultation and subsequent coordination with Tribal staff, EPA Region 8 is planning two capacity-building meetings with members of the Standing Rock Reservation's impacted community and government staff. These community meetings will be part of an ongoing meaningful engagement effort with the Standing Rock Sioux Tribe.

What: The goal of these community meetings is to empower the public to effectively comment on the draft Environmental Assessment and draft NPDES permit, thus creating an opportunity for impacted community members to inform EPA Region 8 decision-making.

Where & When: The EPA Region 8 plans to host one meeting at each of Standing Rock Sioux Tribe’s casinos – one in North Dakota and one in South Dakota – to increase accessibility of attendance. The Tribe’s Environmental and Water Resources programs are supporting the planning of these meetings.

Community Meetings

- Tuesday, May 20, 2025 from 7:00-9:00 pm at the Grand River Casino, 27903 US-12, Mobridge, SD 57601
- Wednesday, May 21 from 7:00-9:00 pm at the Prairie Knights Casino, 7932 ND-24, Fort Yates, ND 58538

How: EPA Region 8 is working with a contractor to develop outreach materials for the community meetings, facilitate/note-take during the meetings, and help meeting attendees provide effective public comments for the draft Environmental Assessment and draft NPDES permit.

EPA Region 8 will post a link to the public notice process on this page after the community meetings. The public comment period is anticipated to be open for 30 days, starting on a date after the community meetings.

Environmental Assessment

The EPA determined that the Maher facility is a “new source” under the Clean Water Act regulations because the facility was constructed in 2019, which is after the applicable new source performance standards for such animal feeding operations went into effect in 2003. As a result, the new source performance standards apply to the Maher facility, and the EPA must complete an environmental review to inform the EPA’s decision on whether to issue an NPDES permit to Maher.

The EPA Region 8 will post a link to a draft of the Environmental Assessment (EA) on this page with instructions for how the public can comment on the EA. The draft EA is anticipated to become available for public comment in March 2025 or later.

NPDES Permit

At the same time that the draft Environmental Assessment is available for public comment, the EPA will post a link to the draft NPDES permit for public comment on this page. If the EPA Region 8 finalizes the NPDES permit, this permit would regulate the discharge of the Maher facility's wastewater to waters on the Standing Rock Sioux Reservation, including High Bank Creek. In general, NPDES permits issued to animal feeding operations require the facility to meet effluent limitations for process wastewater discharges from the operation's production area and land application areas. Under the EPA's regulations, these facilities are prohibited from discharging manure, litter, or process wastewater pollutants from the production area. However, if precipitation causes a discharge of manure, litter, or process wastewater, such discharge is exempt from the no-discharge limitation if the production area was designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event. Additionally, if these facilities land apply manure, litter, or process wastewater, they are required to implement best management practices for such land application.

Contact Us <<https://epa.gov/npdes-permits/forms/contact-us-about-npdes-permits-around-nation>> to ask a question, provide feedback, or report a problem.

Last updated on May 5, 2025